

Message Text

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15

ACTION TRSE-00

INFO OCT-01 EA-07 ISO-00 EB-07 L-03 OMB-01 CIAE-00 INR-07

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9478

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E.O. 11652: N/A

TAGS: EFIN, RP

SUBJECT: US/RP TAX TREATY TALKS

REF: MANILA 15942

1. FURTHER TO REFTTEL, EMBASSY WONDERS WHETHER DEPARTMENT AND TREASURY WOULD BE PREPARED IN DECEMBER TALKS TO (A) STIPULATE BEFOREHAND THAT THE SHIPPING ISSUE WOULD BE LEFT TO NATIONAL LAW, IE ADOPT THE BRITISH SOLUTION, AND (B) AGREE TO INCORPORATE LANGUAGE ON NON-DISCRIMINATION WHICH ASSUMES THAT THIS ISSUE WILL BE GREATER SUBSTANTIVELY IN THE OVERALL AGREEMENT ON ECONOMIC COOPERATION.

2. EMBASSY RAISES POINT IN FOREGOING WAY BECAUSE IT IS CLEAR THAT FILIPINOS WILL NOT, REPEAT NOT, AGREE TO RECIPROCAL REDUCTION OF SHIPPING TAX TO ZERO; WHILE WE WILL NOT AGREE TO FINDING ANY LEVEL ABOVE ZERO; SO (C) THE SOLUTION ON WHICH WE CAN AGREE IS TO LEAVE THE MATTER TO NATIONAL LAW.

3. ON THE NON-DISCRIMINATION ISSUE, THE TAX TREATY IS CLEARLY NOT THE MAIN VEHICLE FOR ATTEMPTING A RESOLUTION. THE SUBJECT IS BEST TREATED IN A DOCUMENT THAT ATTEMPTS TO DEAL WITH ALL OUR CONCERNS ABOUT POSSIBLE DISCRIMINATORY PRACTICES. THUS IF WE CAN COME TO AGREEMENT WITH THE FILIPINOS ON A TAX TREATY TEXT THAT IS OTHERWISE SATISFACTORY,

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IT WOULD APPEAR TO US A MIS-APPLICATION OF NEGOTIATING

ENERGY TO ATTEMPT A DEFINITION IN THIS CONTEXT.

4. APPRECIATE WASHINGTON COMMENT ON THESE PORPOSALS
AND ON PROSPECTS FOR MEANINGFUL DECEMBER TALKS AS SOON
AS POSSIBLE. SULLIVAN

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Message Attributes

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